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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee
on the Rights of the Child: Argentina

1. The Committee considered at its seventh session the initial report of Argentina (CRC/C/8/Add.2) at its 177th to 179th meetings (CRC/C/SR.177, 178 and 179), held on 10 and 11 October 1994. In view of the fact that the additional report which had been requested from the Government of Argentina to supplement the information contained in Argentina's initial report was received just before the consideration of the report, the Committee decided to postpone the adoption of its concluding observations until its next session. The Committee therefore adopted* at its eighth session the following concluding observations:

A. Introduction

2. The Committee expresses its appreciation to the State party for engaging in a dialogue with the Committee. The Committee notes with regret that the report submitted by the Government of Argentina does not cover all rights enshrined in the Convention and that it was not prepared in accordance with

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* At the 208th meeting, held on 26 January 1995.

the Committee's guidelines for the preparation of initial reports. It notes that the report mainly deals with the legal framework and does not contain sufficient information, either analytical or statistical, on the actual implementation of the principles and rights set forth in the Convention. The extensive additional information submitted by the Government came too late for the Committee members to study and examine before the discussion with the State party delegation.

B. Positive aspects

3. The Committee notes with satisfaction the declaration made by the State party upon ratification in regard to article 38 that a prohibition exists in national legislation on the use of children under 18 in armed conflicts.

4. The Committee also welcomes the establishment of the National Council for Children and Family, the development of a National Plan of Action for Children as well as the signing of a federal Pact for Mothers and Children.

5. The Committee welcomes the efforts undertaken by the Government of the State party to publicize the Convention on the Rights of the Child.

6. The Committee welcomes the incorporation of the Convention on the Rights of the Child, as well as other human rights treaties ratified by Argentina, into the domestic legal system and the high legal status attributed to them by virtue of which they are given precedence over national laws.

7. The Committee notes with satisfaction the successful immunization programme with 99 per cent coverage and the high literacy rate - 95 per cent in 1990.

C. Principal subjects of concern

8. The Committee is furthermore concerned about the reservations entered by the Government of Argentina upon the ratification of the Convention with respect to article 21(b), (c), (d), (e), due to their broad nature.

9. The Committee is concerned that sufficient administrative and other measures seem not to have been taken to facilitate an effective coordination of the implementation of the Convention on local, regional and national levels.

10. The Committee takes note of the disparity of marriage ages for boys and girls in Argentine law, which seems to be contrary to the provisions of article 2 of the Convention.

11. The Committee notes with special concern the situation of children from vulnerable and disadvantaged groups, such as disabled children, abandoned children and children living and/or working in the streets as well as children belonging to households living in poverty.

12. The Committee is also worried about the high number of single mothers in Argentina between the ages of 12 and 18 and about reports on the occurrence of domestic violence and sexual abuse.

13. The Committee notes the problems in the schools, with high turnover of teachers and children dropping out.

E. Suggestions and recommendations

14. The Committee recommends that the Government of Argentina consider reviewing the reservation entered upon ratification of the Convention with a view to withdrawing it. In that connection, the attention of the State party is drawn to the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993 which encouraged States to withdraw reservations to the Convention on the Rights of the Child.

15. The Committee recommends that, given the federal nature of the Argentine State, a comprehensive approach be taken by the Government in implementing the Convention, particularly in assuring better coordination between the various mechanisms and institutions already in place to deal with the promotion and protection of the rights of children. Of importance, in that context, would be the establishment of an appropriate infrastructure at all levels and increased coordination between efforts undertaken at the local and provincial level with those taken at the national level. It is recommended that emphasis also be put on the aspect of monitoring, including through an ombudsman, and on cooperation with non-governmental organizations working for the rights of the child.

16. The Committee suggests that the budgetary measures be reviewed with a view to ensuring that the maximum amount of available resources is allocated to promote and protect the rights of the child at the federal, regional and local levels.

17. The Committee recommends that further efforts be made to ensure that personnel dealing with children be provided with adequate training which emphasizes the principles and norms in the Convention on the Rights of the Child.

18. The Committee suggests that a larger part of the education and training of law enforcement personnel, judges and other administration of justice officials be devoted to an understanding of international standards on juvenile justice. The Committee also recommends that juvenile courts be set up in all provinces.

19. The Committee suggests that the State party consider undertaking greater efforts to provide family education and developing awareness of the equal responsibility of parents. Health education programmes should be developed to counter the high incidence of teenage pregnancy.

20. The Committee suggests that the State party considers the possibility of introducing more effective legislation and follow-up mechanisms to prevent violence within the family in the spirit of article 19.

21. The Committee also recommends that further measures be taken by the Government to reduce drop-out rates in schools and to ensure that the schools are adequately staffed with qualified personnel. It is also recommended that further steps be taken to encourage the active participation of children in the schools, as well as outside, in the spirit of article 12 of the Convention.

22. The Committee also recommends that the report and the additional information submitted by the State party, the summary records of its consideration and the concluding observations of the Committee be disseminated as widely as possible within the country.